

United States District Court  
Northern District of California

DR. JAMES M. SWANSON,

Plaintiffs,

v.

ALZA CORPORATION,

Defendants.

Case No.: CV 12-04579-PJH (KAW)

ORDER REGARDING JOINT DISCOVERY  
LETTER NO. 2

(Dkt. No. 160)

On May 2, 2014, the parties filed six joint letters addressing various discovery disputes, including Joint Letter No. 2, which pertains to Defendant ALZA's request that Plaintiff be compelled to supplement his damages-related Rule 26 disclosures.<sup>1</sup> (Joint Letter No. 2, "Joint Letter," Dkt. No. 160.)

Plaintiff contends that this dispute is premature, because he will not have information pertaining to his damages until each side retains damage experts. (Joint Letter at 3.) If Plaintiff does not have the information needed to fully respond, he should state that fact, and he is under an obligation to supplement when the information becomes available. As to Interrogatory No. 5, Plaintiff's objection to the definition of "you" as vague and ambiguous is meritless, and a waste of the parties' and the Court's time and resources. Plaintiff should answer Interrogatory No. 5 as numbered, but may do so without waiving any valid objections.

Accordingly, Plaintiff is not required to supplement his Rule 26 disclosures at this time since he does not have access to the information needed to supplement. He does, however, have a

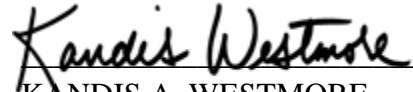
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<sup>1</sup> In the alternative, ALZA seeks an order "preclud[ing] Plaintiff from introducing any evidence related to damages/remedies other than ALZA's summary financial information related to Concerta®, to the extent Plaintiff seeks and obtains its production." (Joint Letter at 3.) The undersigned declines to address this request, as the relief sought would be more appropriately addressed by the district court as a motion in limine.

duty to supplement when that information becomes available. Further, Plaintiff shall supplement his response to Interrogatory No. 5 within seven (7) days of this order.

IT IS SO ORDERED.

Dated: May 28, 2014

  
KANDIS A. WESTMORE  
United States Magistrate Judge

United States District Court  
Northern District of California